



BOARD OF ZONING ADJUSTMENT APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services

757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • www.columbus.gov

OFFICE USE ONLY

Application Number: # 14310-00000-00593

Date Received: 19 Aug. 2014

Commission/Civic: Col. South Side

Existing Zoning: _____ Application Accepted by: JF

Fee: \$1900

Comments: _____

TYPE(S) OF ACTION REQUESTED

(Check all that apply)

☒ Variance ☐ Special Permit

Indicate what the proposal is and list applicable code sections.

3312.25, 3312.43/allow gravel, 3312.49 from 4 to 0 for new
patio, 3 to 0 displaced (total 7 to 0)

LOCATION

1. Certified Address Number and Street Name 1328-1332 S. 4th St

City Columbus

State OH

Zip 43207

Parcel Number (only one required) 010020967

APPLICANT: (IF DIFFERENT FROM OWNER)

Name VAL THOMAS MARTIN (for VBC Entertainment, LLC)

Address 1575 S 6th St

City/State Columbus

Zip OH

Phone # 614 256-3768 Fax # N/A

Email southbend@wowway.biz

* PROPERTY OWNER(S):

Name Mary Gagas

Address 1311 Maetzel Dr

City/State Columbus, OH

Zip 43227

Phone # 614 861-4278 Fax # _____

Email _____

☐ Check here if listing additional property owners on a separate page.

ATTORNEY / AGENT (CHECK ONE IF APPLICABLE)

☐ Attorney

☐ Agent

Name _____

Address _____

City/State _____

Zip _____

Phone # _____

Fax # _____

Email: _____

SIGNATURES (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

APPLICANT SIGNATURE Val Thomas Martin

* PROPERTY OWNER SIGNATURE _____

ATTORNEY / AGENT SIGNATURE _____

PLEASE NOTE: incomplete information will result in the rejection of this submittal.

Applications must be submitted by appointment. Call 614-645-4522 to schedule.

Please make all checks payable to the Columbus City Treasurer



CITY OF COLUMBUS

DEPARTMENT OF BUILDING AND ZONING SERVICES

14310-00000-00593
1328-1332 SOUTH FOURTH
STREET

One Stop Shop Zoning Report Date: Thu Sep 4 2014

General Zoning Inquiries: 614-645-8637

SITE INFORMATION

Address: 1328 S 4TH ST COLUMBUS, OH

Mailing Address: 1311 MAETZEL DR

COLUMBUS OH 43227

Owner: GAGAS PETE & MARY

Parcel Number: 010020967

ZONING INFORMATION

Zoning: ORIG, Commercial, C4

effective 2/27/1928, Height District H-35

Board of Zoning Adjustment (BZA): N/A

Commercial Overlay: N/A

Graphic Commission: N/A

Area Commission: Columbus Southside Area Commission

Planning Overlay: N/A

Historic District: N/A

Historic Site: No

Council Variance: N/A

Flood Zone: OUT

Airport Overlay Environs: N/A

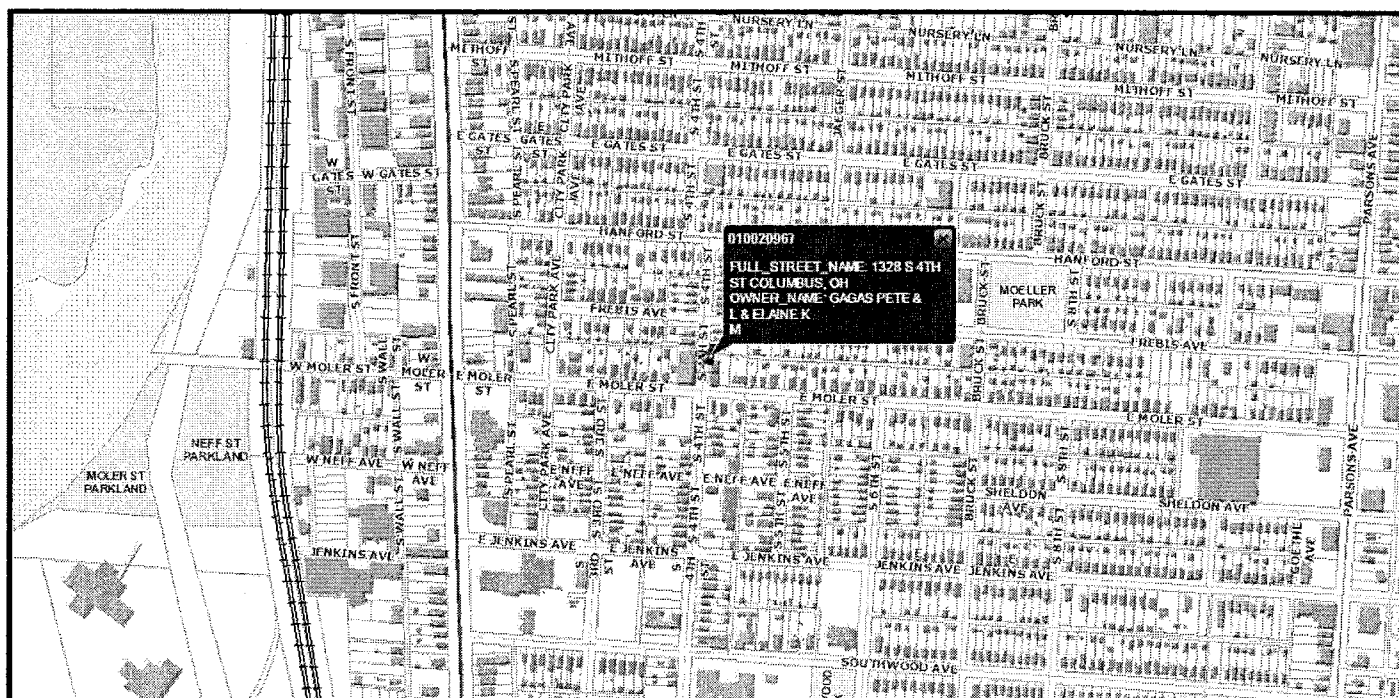
PENDING ZONING ACTION

Zoning: N/A

Board of Zoning Adjustment (BZA): N/A

Council Variance: N/A

Graphic Commission: N/A



THE CITY OF
COLUMBUS

MICHAEL B. COLEMAN, MAYOR

DEPARTMENT OF
DEVELOPMENT

Steven R. Schoeny, Director

PETE & MARY GAGAS
1311 MAETZEL DR
COLUMBUS, OH 43227

Date of Service/Posting 7/2/14

Order Number: 14470-02487

Parcel Number: 010020967

14310-00000-00593
1328-1332 SOUTH FOURTH
STREET

ZONING CODE VIOLATION ORDER

An inspection has been made at 1328 - 1332 S 4th ST on **June 26, 2014**.

As provided by the Columbus City Code you are hereby given notice to correct the alleged violations listed below within **10** calendar days of the service of this notice unless otherwise noted in this notice, or an approval for a written request for extension is granted by this office.

Note: Failure to comply with this notice is a Misdemeanor of the First Degree and may be punishable by a \$1000 fine and 180 days imprisonment.

If the facts represented here are incorrect, or if you believe the law is not being interpreted properly, you have the basis for an appeal. If you believe an appeal is in order, call the undersigned Property Maintenance Inspector. Pursuant to the Columbus City Code Section 3307.07: The Board of Zoning Adjustment shall not entertain any appeal applied for more than twenty (20) days after the date of this order. Also pursuant to Columbus City Code Section 3307.11: Said appeal shall be submitted on a form provided for that purpose and filed in the office of the Department of Building and Zoning Services.

For further information on this notice contact the undersigned Code Enforcement Officer.

SEE LIST OF VIOLATIONS ON THE ATTACHED PAGE(S)

by LISA DOYLE

Lisa Doyle
Code Enforcement Officer
Phone: 614-645-0748
ledoyle@columbus.gov
757 Carolyn Avenue
Columbus, Ohio 43224

ITEM#	CODE SECTION	COMMENTS
<u>Zoning Violations</u>		
1	3305.01 Certificate of zoning clearance	LACK OF ZONING CLEARANCE, AND/OR VARIANCES, TO INSTALL FENCED AREA IN PARKING LOT, EXTERIOR STORAGE, CREATE A PATIO AREA, AND/OR EXPAND BUSINESS INTO PARKING LOT REMOVE FENCING, TABLES, CHAIRS, GRILL, AND/OR ALL OTHER EXTERIOR ITEMS STORED

14310-00000-00593
1328-1332 SOUTH FOURTH
STREET

LIMITED POWER OF ATTORNEY

PRINCIPAL:

Name: MARY GAGAS

Address: 1311 MAETZEL DR., COLUMBUS, OH 43227

14310-00000-00593
1328-1332 SOUTH FOURTH
STREET

1. Scope of Authority.

This Limited Power of Attorney is granted by the Principle, Mary Gagas, as the legal owner of the real property located at (and hereinafter referred to as the "Property"):

126 E. Moler Street,

Columbus, Ohio 43207

d/b/a "South Bend Tavern"

The scope of this Limited Power of Attorney is for the limited scope of granting the Agent designated herein, the rights and authority to appear and act as her Agent, before the City of Columbus, Department of Building & Zoning Services with respect to any appeals, variances or any other actions permitted under the Ohio Revised Code and the City of Columbus Municipal Code.

2. Notice to Agent.

Once you accept designation as the agent under this document or exercise authority granted to you by the principal, a fiduciary relationship is created between you and the principal. Unless otherwise modified in this power of attorney, your duties include the duty to do all of the following:

- (a) Act in good faith, with reasonable care for the best interests of the principal;
- (b) Take no action beyond the scope of the authority given to you in this document;
- (c) Keep complete record of all receipts, disbursements, and transactions conducted for the principal.

If you violate the terms of this document or the fiduciary duties created by this relationship, you will be liable to the principal or the principal's successors for loss or damage caused by your violation.

If there is anything about this document or your duties that you do not understand, you should obtain legal advice.

3. Designation of Agent(s).

I, the above-named Principal, hereby appoint and designate the following as my Attorney(s)-in-Fact. (Insert the name(s), address(es), and telephone number(s) of your agent(s) below. If more space is needed, you may attach additional sheets.)

14310-00000-00593
1328-1332 SOUTH FOURTH
STREET

Name: Val Thogmartin,

Individually, and as Agent for VBC Entertainment, LLC (d/b/a "Southbend Tavern")

Address: 126 E. Moler Street, Columbus, Ohio 43207.

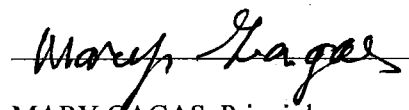
4. Commencement and Duration of Power.

This power of attorney is effective as of the signing of this document and is valid for six (6) months from this date.

5. Amending and Revocation.

I may amend or revoke this power of attorney at any time by a signed instrument delivered to my Agent. If this instrument has been filed or recorded in public records, then any amendment or revocation also will be similarly filed or recorded, but a similar filing or recording of the amendment or revocation will not be necessary to effectuate the amendment or revocation with respect to my Agent and to all persons who have actual knowledge of the amendment or revocation.

IN WITNESS WHEREOF, I have signed this Power of Attorney on this the 18 day of July, 2014.


MARY GAGAS, Principle

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

STATE OF OHIO
COUNTY OF FRANKLIN

This document was acknowledged before me on 7/18/14 [Date] by

MARY GAGAS [name of principal].

[Notary Seal, if any]:



PETER C. BAZANOWSKI
ATTORNEY AT LAW
Notary Public for the State of Ohio
My Commission Expires 12/31/15
Section 147.06 R.C.


(Signature of Notarial Officer)

Notary Public for the State of Ohio

My commission expires:



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AFFIDAVIT

14310-00000-00593
1328-1332 SOUTH FOURTH
STREET

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME VAL THOGMARTIN
of (1) MAILING ADDRESS 1575 S 6th St Columbus, OH 43207
deposed and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the
name(s) and mailing address(es) of all the owners of record of the property located at
(2) per ADDRESS CARD FOR PROPERTY
for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building
and Zoning Services, on (3) _____

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) Mary Gagas
1311 Maetzel Dr
Columbus, OH 43227
Phone 614 861-4278
Val Thogmartin
614 256-3768

APPLICANT'S NAME AND PHONE #
(same as listed on front of application)

AREA COMMISSION OR CIVIC GROUP
AREA COMMISSION ZONING CHAIR OR
CONTACT PERSON AND ADDRESS

(5) Columbus Southside Area Commission
Chair: Jim Griffin 507 Sheldon Ave
Columbus, OH 43207 614 443-3249

and that the following is a list of the names and complete mailing addresses, including zip codes, as shown on the County Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125 feet of the exterior boundaries of the property for which the application was filed, and all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property:

(6) PROPERTY OWNER(S) NAME (6A) ADDRESS OF PROPERTY (6B) PROPERTY OWNER(S) MAILING ADDRESS

See Attached list from Franklin County

☒ (7) Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 13th day of August, in the year 2014

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

Notary Seal Here

(8) Terry L. Kilgore
TERRY L. KILGORE
Attorney-At-Law
Notary Public-State of Ohio
My commission has no expiration date.
Section 147.03 O.R.C.

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STATEMENT OF HARDSHIP

APPLICATION # _____

14310-00000-00593
1328-1332 SOUTH FOURTH
STREET

3307.09 Variances by Board.

- A. The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). No variance shall be granted unless the Board finds that all of the following facts and conditions exist:
1. That special circumstances or conditions apply to the subject property that does not apply generally to other properties in the same zoning district.
 2. That the special circumstances or conditions are not the result of the actions of the property owner or applicant.
 3. That the special circumstances or conditions make it necessary that a variance be granted to preserve a substantial property right of the applicant which is possessed by owners of other property in the same zoning district.
 4. That the grant of a variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of this Zoning Code.
- B. In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.
- C. Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

I have read Section 3307.09, Variances by Board, and believe my application for relief from the requirements of the Zoning Code satisfies the four criteria for a variance in the following ways:

The construction of the patio fence is in no way injurious to the neighborhood. No hazardous material is being used to construct the fence. The fence has been sound proofed to keep noise levels at a minimum. The patio will aid in keeping smokers off the street corner at 4th & Moler which will help keep noise levels down. Lack of a patio has caused Southbend to lose much business as we are the only bar in the neighborhood with no patio.

Signature of Applicant

Val Thiermarie

Date

August 15, 2014

Real Estate / GIS Department

14310-00000-00593
1328-1332 SOUTH FOURTH
STREET

① 010-046734
12/03/2001
KRUSE CAROL A
ET AL

① 010-011414
07/23/2013
HALDEMAN JED

150.81

14

① 010-020967
04/27/1981
GAGAS PETE & MARY

⑤

EXISTING
PARKING

20'-2

6' HIGH
WOOD FENCE
& 4' GATE

24'-0

PATIO

(59.31)

②

THE SOUTH
BEND TAVERN

126 E. MOLER
ST

(27)

86.31

① 010-025593
01/06/1992
PAMCO MANAGEMENT

120

64.5

35

010-002007
05/08/2014
US BANK NATIONAL
ASSOCIATION TR

010-002111
07/21/2010
ARNOLD JOHN M TR

010-002112
07/21/2010
ARNOLD JOHN M TR

75

39

②

HC

HC

40

LEASED
PARKING

41

150

⑭

75

42

010-033452
12/30/2013
TY REAL ESTATE LLC

⑦

69

43

150

44

010-056129
07/21/2014
FRAUNHOLTZ PAUL

60

45

14310-00000-00593
1328-1332 SOUTH FOURTH
STREET



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PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. If provided.

14310-00000-00593

APPLICATION # 1328-1332 SOUTH FOURTH STREET

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) VAL THOGMARTIN
of (COMPLETE ADDRESS) 126 E Moler St Columbus OH 43207 / 1575 S 6th St Col's 43207
deposes and states that (he/she) is the APPLICANT, AGENT OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application and their mailing addresses:

NAME

COMPLETE MAILING ADDRESS

Connie Haskill

1742 S 5th St Columbus, OH 43207

William Belig

1575 S 6th St Columbus, OH 43207

Mary Gagas

1311 Maetzel Dr Columbus, OH 43227

SIGNATURE OF AFFIANT

Val Thogmartin

Subscribed to me in my presence and before me this 13th day of August, in the year 2014

SIGNATURE OF NOTARY PUBLIC

Terry L. Kilgore

My Commission Expires:

TERRY L. KILGORE
Attorney At Law
Notary Public-State of Ohio
My commission has no expiration date.
Section 147.03 O. R. C.

Notary Seal Here